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Attorney for Joseph Banister

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,	)	CR. No. S-04-435 WBS
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
JOSEPH BANISTER, et al.,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF AGREEMENT FOR TAKING DEPOSITION OF  
WITNESS ROBERT GORINI**

COME NOW the Plaintiff and Defendant Joseph Banister (hereinafter Banister”),  
by and through his attorney of record, Jeffrey A. Dickstein (hereinafter “Dickstein”) and  
give notice of their agreement to take the video deposition of witness Robert Gorini, as  
follows:

1. Robert Gorini was the Banister’s supervisor while Banister worked for the  
Internal Revenue Service. Mr. Gorini knew Banister before his employment with the  
Internal Revenue Service, and Mr. Gorini may have personal knowledge of facts relevant  
to the issues embraced by the indictment filed in this case.

2. Having learned that Mr. Gorini has accepted employment with the  
Department of State and was leaving the state of California for training in Washington,  
D.C. and eventual deployment to Iraq, Banister served Gorini with a trial subpoena and

filed an emergency motion for relief with the Court.

3. The parties and Mr. Gorini's counsel, Lee Altshuler, have agreed, rather than to interfere with Mr. Gorini's new employment and/or to avoid the necessity of Mr. Gorini coming back from Iraq to give his trial testimony, to take Mr. Gorini's video deposition.

4. The deposition will take place on May 20, 2005 at the offices of Olender Reporting, Inc., 1522 K Street, NW, Suite 720, Washington, DC 20005, (202) 898-1108 Fax (202) 289-0566 commencing at 10:00 a.m.

5. The parties have further agreed that the deposition shall be video taped as well as be taken by a court reporter. That person is Mary Ann Payonk, CRR RDR, 1501 Crystal Drive, Suite 429, Arlington, Virginia 22202, (804) 339-9715, (253) 679-4267 facsimile, e-mail:maryannrdr@earthlink.net.

6. Dickstein and Mr. Gorini will be present in person, and the Plaintiff will appear by video conference. Contact information for the Government regarding video feed and reception at their end can be made with Nick Rodites, e-mail: nick@olenderreporting.com, cell phone number (202) 487-6450.

7. Depositions by agreement of the parties is provided for in F.R.Crim.P. 15(h), with the consent of the Court.

8. The United States reserves its right to move to exclude part or all of Mr. Gorini's testimony at trial.

9. The parties have expended significant time in arranging a mutual agreeable time and place, and respectfully request the Court's consent.

Date: May 16, 2005

/s/ Jeffrey A. Dickstein

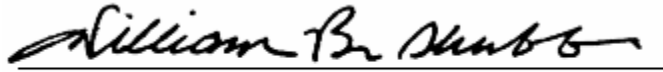
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/s/ Robert M. Twiss

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HAVING READ the agreement of the parties, and good cause appearing  
therefore, the Court consents to the parties' agreement to take the deposition of witness  
Robert Gorini by video deposition per their agreement.

SO ORDERED this 18th day of May, 2005.

  
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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE